

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ROBERT COOPERSMITH and ALLEN  
ECKERT, Individually and on Behalf of all  
Others Similarly Situated,

Plaintiffs,

vs.

LEHMAN BROTHERS INC.,

Defendant.

C.A. No: 03-12205-RCL

**MOTION OF PLAINTIFF ROBERT COOPERSMITH FOR  
APPOINTMENT AS LEAD PLAINTIFF, AND/OR FOR CERTIFICATION  
AS A CLASS REPRESENTATIVE PURSUANT TO RULE 23,  
AND FOR APPROVAL OF HIS SELECTION OF LEAD COUNSEL**

Plaintiff Robert Coopersmith ("Movant"), through his undersigned counsel, hereby moves this Court for an order: (i) appointing Movant as Lead Plaintiff, pursuant to Section 21D of the Exchange Act, as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), 15 U.S.C. §78u-4; (ii) and/or, in the alternative, certifying the action as a class action and Movant as a class representative pursuant to Rule 23(a) and (b)(3); and (iii) approving Movant's selection of Lead Counsel.

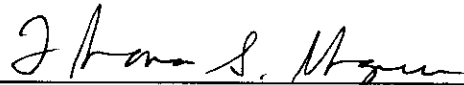
This motion is made on the grounds that Movant believes he is the most adequate plaintiff, having satisfied the requirements of the PSLRA for appointment as lead plaintiff and no other applications to be appointed lead plaintiff having been filed (other than the application of Terry Swack in the related case *Swack v. Lehman Brothers Inc.*, C.A. No. 03- 10907-RCL, which application was denied. In addition, this action satisfies the requirements to be maintained as a class action pursuant to Rule 23(a) and (b)(3), and

Movant satisfies the requirements of Rule 23 because his claims are typical of class members' claims and he will fairly and adequately represent the Class.

The facts and law supporting the Motion are fully set forth in the accompanying Declaration of Thomas G. Shapiro and in the accompanying Memorandum of Law.

Dated: January 9, 2004

Respectfully submitted,



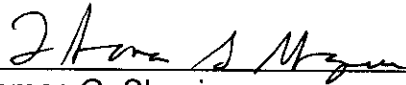
Thomas G. Shapiro (BBO# 454680)  
Theodore M. Hess-Mahan (BBO #557109)  
SHAPIRO HABER & URMY LLP  
75 State Street  
Boston, MA 02109  
(617) 439-3939

Robert Finkel  
Wolf Popper LLP  
845 Third Avenue  
New York, NY 10022  
(212) 759-4600

**Attorneys for Plaintiffs**

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

I hereby certify that the parties' counsel have conferred pursuant to Local Rule 7.1(A)(2) and have attempted in good faith to narrow or resolve the issues raised in the Motion referenced above. The parties did not reach agreement.



Thomas G. Shapiro

I HEREBY CERTIFY THAT A TRUE COPY OF THE ABOVE  
DOCUMENT WAS SERVED UPON THE ATTORNEY OF RECORD  
FOR EACH OTHER PARTY BY MAIL/HAND FAX ON 1/9/04

